



## Report to Planning & Zoning Commission

Clay County, Missouri

**Case Number**                      **October 16-135RZ/F**

**Case Type**                        **Rezoning & Final Plat**

**Project Name**                    **Paradise Storage Second Plat**

Applicant:                            Cara Massie, Paradise Storage, LLC  
P.O. Box 143  
Smithville, MO 64089

Owners: (Paradise Storage, Lot 1)    Tom & Cara Massie, Paradise Storage, LLC  
P.O. Box 143  
Smithville, MO 64089

Owners: (Paradise South, Lot 3)    Rodger & Susan Burton  
502 Kings Ridge  
Liberty, MO 64068

Request                                **Rezoning & Final Plat** approval of Paradise Storage  
Second Plat

Application Submittal                2016-09-02

Public Notice Published              2016-09-15

Neighbor Letters Sent                2016-09-16

Report Date                            2016-09-27

Public Hearing Opened                2016-10-04

REPORT AUTHOR(S)                  Kipp Jones, Manager  
Debbie Viviano, Planner

Recommendation                    APPROVAL with conditions



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## General Information

<b>Site Location:</b>	Approximately 18316 Collins Road Section 8   Township 53   Range 32
<b>Site Size:</b>	Rezoning – 10.01± acres Final Plat – 23.01± acres
<b>Existing Landuse &amp; Zoning:</b>	Community Services District (C-3) & Residential Rural (R-1) District
<b>Zoning/Platting History:</b>	RZ – Paradise South, Lots 1 & 2 (C-3), Res. #2003-518, 10/27/03, Res. # 2015-202, 06/22/2015; Prelim. Plat – Res. #2003-519, 10/27/03, Res. #2015-202, 06/22/15; Final Plat – Res. #2003-611, 12/22/03, recorded 01/16/04, Res. #2015-203, 06/22/15, recorded 06/24/15; CUP – Res. #2003-520, 12/22/03, Res. #2010-352, 11/29/10, Res. #2015-204, 06/22/2015.

## Surrounding Landuse & Zoning:

- North - Burdette's Addition (R-1), Gosneyville (R-1) and C-3 Zoned Lots
- East - Agriculturally zoned land (AG), Holdsworth Commercial Addition 2 (C-2), SAFPD Station NO 3 Lot 1, & Smithville Lake Reservoir
- South - Agriculturally zoned land (AG) and Smithville Lake Reservoir
- West - Smithville Lake Reservoir

## Current Conditions:



Courtesy Clay County Assessor GIS/Mapping



Courtesy Microsoft® Bing™



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## Assessment

Cara Massie, owner of Paradise Storage, LLC, representing Rodger & Susan Burton, is requesting **Rezoning** approval from Residential Rural (R-1) District to Community Services (C-3) District for approximately 10.01± acres and **Final Plat** approval for Paradise Storage Second Plat a total area of approximately 23.01± acres at 18316 Collins Road.

Ms. Massie is pursuing these requests to combine Paradise South and Paradise Storage under the same zoning district classification (C-3) and one platted lot.

## 2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the NATURAL RESOURCES TIER.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1<sup>st</sup>) table shows the landuse tiers and corresponding guidelines, and the second (2<sup>nd</sup>) explains the exceptions to the 20-acre minimum lot size policy directed by the Plan.

Table 4.2 - Land Use Planning Tiers – Presented on the Planning Tier Map			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier* (Green)	Urban Services Tier* (Salmon)
<b>Intent</b>	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
<b>Primary Uses</b>	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
<b>Residential Uses</b>	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density; Rural Residential Density: low-density rural residential development: 1-dwelling unit per 20+ acres, or 1-farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4-units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4-units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
<b>Non-Residential Uses</b>	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
<b>Minimum Sanitary Sewer Provisions</b>	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. <sup>(3)</sup>
<b>Zoning Districts</b>	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). AG, Agricultural zoning is appropriate until full range of urban services available.

<sup>(3)</sup> On-site septic allowed for agricultural uses only.

\* The **Planning Tier Map** notes a special designation of areas within one mile of each city: "1-Mile Urban Coordination Sub-Tier" where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



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Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts / phasing in of new regulations		
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 90% of the subdivided parcel is preserved, such as in an agriculture deed restriction.	Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.	Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
Other Exceptions	Farmstead** dwellings allowed on 5+acre parcels.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

\* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway; yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

\*\* A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

## Character of the General Neighborhood

Burdette's Addition, Gosneyville (R-1), and C-3 zoned land are to the north. Holdsworth Commercial Addition 2 (C-2) and SAFPD Station NO 3 are to the East. Smithville Lake Reservoir is to the east, west and south. Agricultural (AG) zoned land to the east and south of the property.

## LDC Considerations

The rezoning application was properly noticed in the Kearney Courier on September 15, 2016. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter dated mailed on September 16, 2016.

The petitioner should fully address the five (5) rezoning criteria in the Land Development Code (LDC) which requires the following standards be met with a rezoning application (*Section 151-3.3 F*):

1. Whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area;
2. Whether or not the proposed amendment is consistent with the *Comprehensive Plan* and the stated purpose and intent of Sec. 151-1.7;
3. Whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property;
4. Whether or not the county and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development; and
5. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, and natural resources.



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The LDC also provides certain zoning district standards for a C-3 district within Section 151-4.13 (D), which are referenced below and specific to this request.

1. No vehicle other than a passenger vehicle or truck under 1½ ton may be stored or parked in areas visible from off-site for more than 96 consecutive hours.
2. Lighting sources shall be designed and located so that the direct source of the light is shielded from view at all property lines abutting residential or agricultural zoning districts.
3. Storage of items shall not constitute warehousing or distribution in the normal sense but shall be limited to that quantity of stock necessary to the normal administrative, service and sales functions
4. Any loading dock or loading area shall be fully screened from any property zoned agricultural or residential within 300 feet.
5. Premises selling alcoholic or cereal malt beverages for on-premise consumption shall be located at least 200 feet from any property zoned residential or agricultural and from buildings occupied as a church or school of general instruction. However, if any residential, church or school of general instruction use is established after such premises have been licensed for selling alcoholic or cereal malt beverages for on-premise consumption, then such premises shall be deemed to comply with this subsection for relicensing certification. Measurements shall be made between the exterior wall of the principal building in which alcoholic or cereal malt beverages are offered for on-premise consumption and the nearest property line of the existing property occupied as a church or school of general instruction or zoned residential or agricultural.
6. If a C-3 district abuts a residential or agricultural district, a solid screen fence of at least 6 feet in height, or equivalent landscaped buffer, may be required if deemed necessary by the County Commission upon recommendation of the Planning and Zoning Commission.

### **Outside Agency Review**

The Clay County Highway Department stated that “the existing drive is permitted and acceptable for ingress and egress. With the fire station location and potential expansion of the facility, a traffic impact study would be required prior to adding additional buildings to determine the need for a second entrance”.

The Clay County Public Health Center has noted “that there is not a septic system on site so therefore there is nothing to approve on this as it does not apply to our septic ordinance”.

The Public Water Supply District #4 of Clinton County currently has water service to the subject property and can provide any necessary additional service if needed.

The Smithville Area Fire Protection District serves this area.

### **Findings**

Since this is a combining of existing parcels with only boundary changes and no creation of new lots, no Road Impact Fees (RIF) will be assessed per LDC Section 151-9.13.

A request to vacate two Utility Easements (“U.E.s”) within Paradise Storage Lot 1 and Paradise South Lot 3 (Case No. October 16-136V) and a request for a Conditional Use Permit (Case



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No. October 16-137CUP) were filed in conjunction with this request.

### Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Residential Rural (R-1) to Community Services (C-3) District for **ONLY 10.01± acres** of proposed **Paradise Storage Second Plat** be **approved**, subject to the petitioner addressing all rezoning standards.

Staff recommends the **Final Plat** of **Paradise Storage** be **approved** with the following conditions as shown on Exhibit A:

#### Exhibit A

1. The Resolution of Vacation for the existing 7.5' wide utility easement within Paradise Storage Lot 1 and the existing 15' wide utility easement within Paradise South Lot 3 be recorded before recording of the Final Plat (Case No. October 16-136V).
2. The following changes to the recording copies of the final plat:
  - a. CHANGE: total amount of acres under "LOT 1-for Paradise Storage 2<sup>nd</sup> Plat to 23.01± acres"
  - b. ADD: a space between "LOT" and "3" in heading



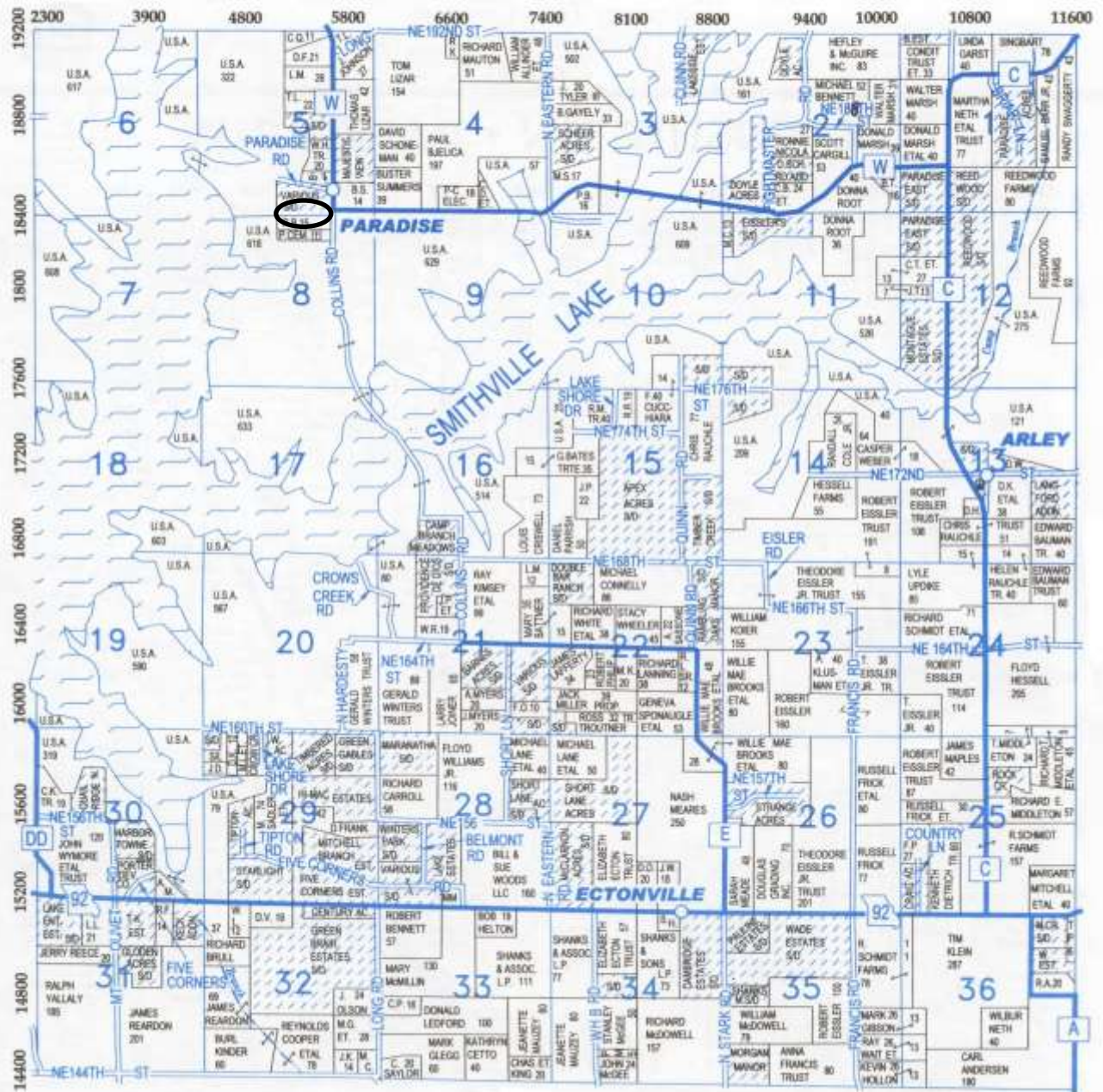
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## Attachments

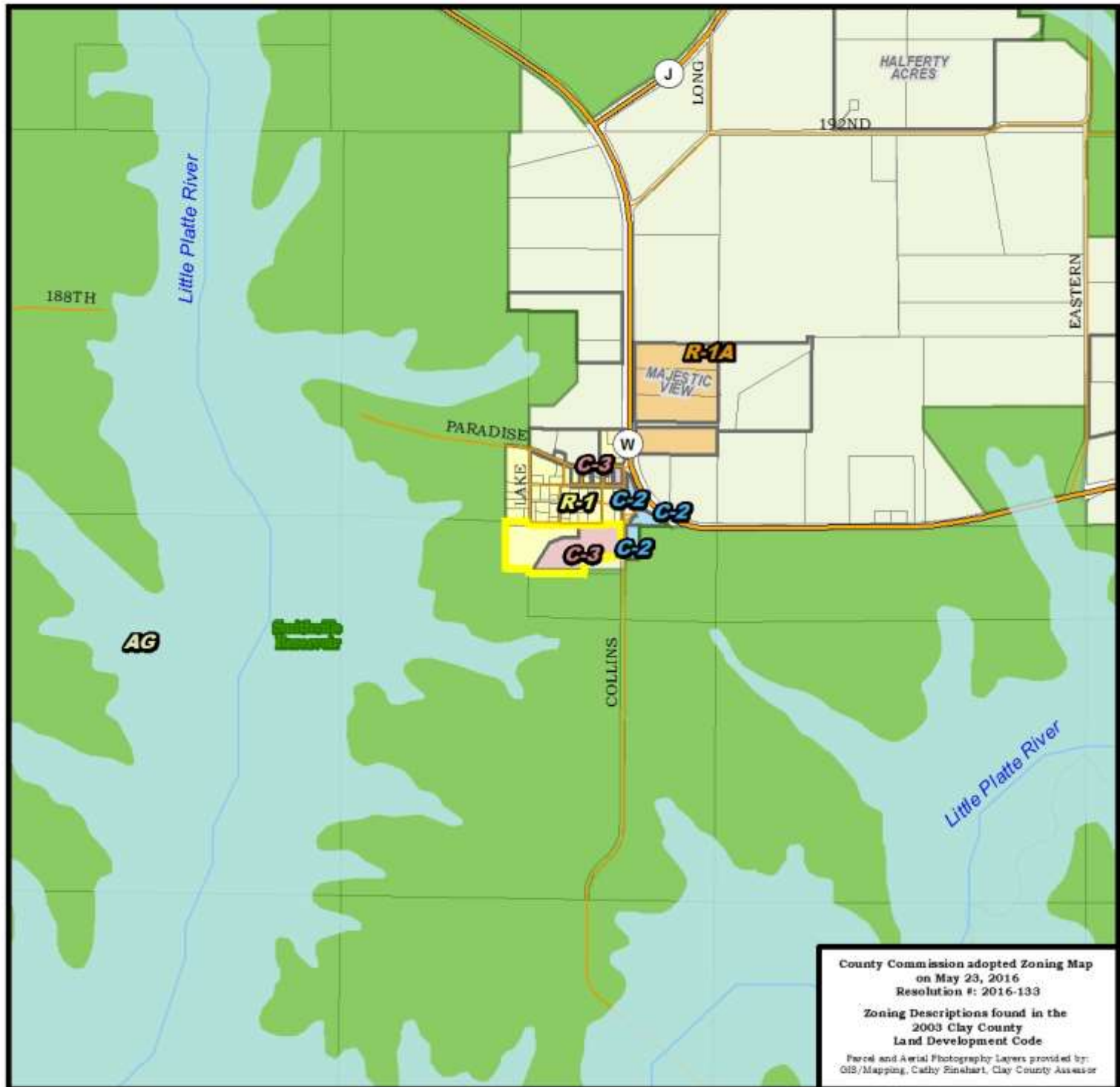
### Oct 16-135RZ/F Paradise Storage Second Plat Attachment A - Vicinity Map

#### TOWNSHIP 53N • RANGE 32W



# Oct 16-135RZ/F – Paradise Storage Second Plat

## Attachment B - Existing Conditions Map



Planning & Zoning Department



1 inch = 2,000 feet  
1 inch = 0.38 miles

### LEGEND

Property Line

Streams (EPA)

Railroads

Roads

Interstates

State Highways

Local Roads

Highway Ramps

Subdivisions

2016 City Limits

Parks

County Boundaries

Zoning Districts

AG

R-1

R-1A/R-5

R-1B/RU

R-3

C-1

C-2

C-3

I-1

I-2

OP

# Oct 16-135RZ/F – Paradise Storage Second Plat

## Attachment C - Site Plan Map



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1 inch = 250 feet  
1 inch = 0.05 miles

### LEGEND

- |               |                |                   |
|---------------|----------------|-------------------|
| Property Line | Roads          | Subdivisions      |
| Streams (EPA) | Interstates    | 2016 City Limits  |
| Railroads     | State Highways | Parks             |
|               | Local Roads    | County Boundaries |
|               | Highway Ramps  |                   |